



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II-खंड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

No. 3] NEW DELHI, WEDNESDAY, FEBRUARY 11, 1970/MAGHA 22, 1891

सं० 3] नई दिल्ली, बुधवार, फरवरी 11, 1970/माघ 22, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 11th February, 1970/Magha 22, 1891 (Saka)

The following President's Acts are published for general information:—

THE BIHAR PANCHAYAT SAMITIS AND ZILA PARISHADS (AMENDMENT) ACT, 1970

No. 1 OF 1970

Enacted by the President in the Twenty-first Year of the
Republic of India.

An Act further to amend the Bihar Panchayat Samitis and Zila
Parishads Act, 1961.

32 of 1969. In exercise of the powers conferred by section 3 of the Bihar State
Legislature (Delegation of Powers) Act, 1969, the President is pleased to
enact as follows:—

1. (1) This Act may be called the Bihar Panchayat Samitis and Zila Parishads (Amendment) Act, 1970. Short title and commencement.

(2) It shall be deemed to have come into force on the 8th day of July, 1969.

Bihar Act VI of 1962. 2. In the first proviso to sub-section (2) of section 8 of the Bihar Panchayat Samitis and Zila Parishads Act, 1961 (hereinafter referred to as the principal Act), for the words "six months", the words "twelve months" shall be, and shall be deemed always to have been, substituted. Amendment of section 8.

Amendment
of section 38.

3. In the first proviso to sub-section (2) of section 38 of the principal Act, for the words "six months", the words "twelve months" shall be, and shall be deemed always to have been, substituted.

Repeal and
saving

4. The Bihar Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1969, is hereby repealed.

Bihar Ordinance II
of 1969.

(2) Notwithstanding such repeal anything done or any action taken, in exercise of any power conferred by or under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by or under the principal Act as amended by this Act.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

Reasons for the enactment

The elections of Pramukh and Up-Pramukh of the Panchayat Samitis in the district of Dhanbad and those of Adhyaksha and Upadhyaksha of the Zila Parishad, Dhanbad, were initially held in the month of September, 1965 and December, 1965, respectively. The normal period of three years of their terms expired in the month of September, 1968 and December, 1968. But the terms were extended *vide* Government of Bihar in the department of Community Development and Panchayat's Notification No. 13648, dated the 29th August, 1968 for a period of six months. The Notification for the extension of the terms was issued under section 8(2) and section 38(2) of the Bihar Panchayat Samitis and Zila Parishads Act, 1961. Under these sections the terms of the Pramukh and Up-Pramukh, and Adhyaksha and Upadhyaksha may be extended for a period not exceeding six months. The extended term of the Pramukh and Up-Pramukh of the Panchayat Samitis and Adhyaksha and Upadhyaksha of the Zila Parishad was due to expire in the month of March, 1969 and June, 1969, respectively.

2. Pending the conduct of fresh elections of the Gram Panchayats and Zila Parishads of the District of Dhanbad it was imperative to extend the terms of the Pramukh and Up-Pramukh of the Panchayat Samitis and Adhyaksha and Upadhyaksha of the Zila Parishad in order to ensure their continuity. With this end in view an Ordinance, namely, the Bihar Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1969 (Bihar Ordinance II of 1969) was promulgated by the Governor of Bihar on 17th April, 1969, amending suitably the provisions of sections 8 and 38 of the Act. A Bill to replace that Ordinance could not be introduced in the Bihar Legislative Assembly due to its abrupt end, followed by the Proclamation dated the 4th July, 1969, issued by the Vice-President acting as President under article 356 of the Constitution.

The Ordinance, referred to above, ceased to be operative with effect from the 8th July, 1969, six weeks after the re-assembling of the State Legislature as per article 213 (2) (a) of the Constitution. To validate action taken, by the main office bearers of the Panchayat Samitis and Zila Parishad, in Dhanbad, from that date, and to enable them to discharge their duties of the office till such time as may be taken in installing new office bearers in accordance with the provisions of the Act, it is necessary to have an amending legislation extending their terms of office. The State Legislature is not functioning at present and the proposed legislation can be enacted only as a President's Act under powers conferred on the President by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969).

3 The present measure seeks to replace the aforesaid Ordinance, retrospectively.

The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) has been consulted before enactment of this measure as President's Act.

B. R. PATEL,

*Secy. to the Govt. of India.
Ministry of Food, Agriculture,
Community Development and Co-operation
(Department of Community Development)*

THE BIHAR DISTRICT BOARDS AND LOCAL BOARDS (CONTROL AND MANAGEMENT) AMENDMENT ACT, 1970

No. 2 OF 1970

Enacted by the President in the Twenty-first Year of the
Republic of India.

An Act further to amend the Bihar District Boards and Local
Boards (Control and Management) Act, 1958.

32 of 1969. In exercise of the powers conferred by section 3 of the Bihar State
Legislature (Delegation of Powers) Act, 1969, the President is pleased to
enact as follows:—

1. (1) This Act may be called the Bihar District Boards and Local
Boards (Control and Management) Amendment Act, 1970.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 8th day of July,
1969.

Amendment
of section 2.

2. In section 2 of the Bihar District Boards and Local Boards (Control and Management) Act, 1958 (hereinafter referred to as the principal Act); Bihar Act
XX of 1958.

(a) in sub-section (2), for the words, figures and letters "till the 31st March, 1969", the words, figures and letters "till the 30th September, 1970" shall be, and shall be deemed always to have been, substituted;

(b) after sub-section (2), the following sub-section shall be, and shall be deemed always to have been, inserted, namely:—

"(3) Notwithstanding anything to the contrary contained in the said Act or the rules framed thereunder, any person aggrieved by an order of the person or persons appointed under sub-section (2) may, within two months from the date of the order, prefer an appeal to such authority as the State Government may, by notification in the Official Gazette, appoint and the order of the appellate authority thereon shall be final."

Repeal and
savings.

3. (1) The Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1969, is hereby repealed.

Bihar Ordinance
I
of 1969.

(2) Notwithstanding such repeal anything done or any action taken, ~~the~~ exercise of any power conferred by or under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by or under the principal Act as amended by this Act.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

Reasons for the enactment

Under the Bihar District Boards and Local Boards (Control and Management) Act, 1958, as amended from time to time, the control and management of all District Boards and Local Boards in the State of Bihar was taken over by the State Government and their administration has been carried on by the Administrators appointed by the State Government. The term of office of these Administrators was extended on the last occasion from 1st April, 1969 to 31st March, 1970, by the Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1969 (Bihar Ordinance I of 1969). Opportunity was also taken by the State Government to provide for in the said Ordinance an appeal against the orders of the Administrator. A Bill to replace that Ordinance could not be introduced in the Bihar Legislative Assembly due to its abrupt end, followed by the Proclamation dated the 4th July, 1969, issued by the Vice-President acting as President under article 356 of the Constitution.

2. The District Boards in the State of Bihar will ultimately be abolished under section 66 of the Bihar Panchayat Samitis and Zila Parishads Act, 1961 (Bihar Act VI of 1962) after the Panchayati Raj bodies are set up under that Act. At present, Panchayati Raj bodies are functioning in three districts of Bihar, namely, Bhagalpur, Ranchi and Dhanbad. The Panchayati Raj system is yet to be implemented in the remaining districts of Bihar where at present the District Boards and Local Boards are functioning through the Administrators appointed by the State Government as stated above. It is, therefore, necessary to continue the control and management of the District and Local Boards through the Administrators until the 30th September, 1970 by which time the Panchayati Raj Scheme in those districts of the State is likely to be implemented.

3. The present measure seeks to replace the Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1969 (Bihar Ordinance I of 1969), retrospectively.

The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) has been consulted before enactment of this measure as President's Act.

B. R. PATEL,

*Secy. to the Govt. of India,
Ministry of Food, Agriculture,
Community Development and Co-operation
(Department of Community Development).*

THE BIHAR UNIVERSITIES (AMENDMENT) ACT, 1970

No. 3 OF 1970

Enacted by the President in the Twenty-first Year of the Republic of India.

An Act further to amend the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) Act, 1960 and the Magadh University Act, 1961.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969, the President is pleased to enact as follows:—

1. (1) This Act may be called the Bihar Universities (Amendment) Act, 1970. Short title and commencement

(2) It shall come into force on the 28th day of February, 1970.

2. After section 48A of the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) Act, 1960, the following section shall be inserted, namely:— Insertion of new section 48B in Bihar Act XIV of 1960.

“48B. Notwithstanding anything contained in sub-sections (6), (7), (8), (9), (10) and (11) of section 48A, the governing body of an affiliated college established by a minority based on religion or language may, with the approval of the University Service Commission and the Syndicate,— Power of colleges established and administered by minorities to make appointments, etc., of teachers.

(i) appoint, dismiss or remove teachers; or

(ii) terminate the services of teachers or reduce them in rank or take other disciplinary measures against them.”.

Amendment
of section
45 of Bihar
Act IV of
1961.

3. To section 45 of the Magadh University Act, 1961, the following proviso shall be added, namely:—

“Provided that the governing body of an affiliated college established by a minority based on religion or language may, with the approval of the University Service Commission and the Syndicate,—

(i) appoint, dismiss or remove teachers;

(ii) terminate the services of teachers or reduce them in rank or take other disciplinary measures against them.”.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

Reasons for the enactment

While the State of Bihar was under the President's rule under the Proclamation, dated the 29th June, 1968, the President enacted the Bihar Universities (Amendment) Act, 1968 (24 of 1968) as a President's Act in exercise of the powers conferred on him by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1968. This legislation was enacted in pursuance of the direction of the Supreme Court of India in the case of Rev. Father W. Proost and another *versus* the State of Bihar and others. The Supreme Court had held that section 48A of the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) Act, 1960, and section 45 of the Magadh University Act, 1961 affected the Fundamental Rights of religious minorities' institutions as contemplated under articles 29 and 30 of the Constitution and directed the Government of Bihar to bring some amendment therein to protect such Fundamental Rights of the minorities' institutions.

2. As provided in clause (2) of article 357 of the Constitution, any law so made by the President, which the President would not but for the issue of the Proclamation have been competent to make, shall, to the extent of incompetency cease to have effect on the expiration of a period of one year after the Proclamation has ceased to operate, unless any such law is repealed or re-enacted with or without modification by Act of the appropriate Legislature. The Proclamation dated the 29th June, 1968 was revoked by the President after the mid-term elections in the State, by a Proclamation, dated the 26th February, 1969. Accordingly, the aforesaid Bihar Universities (Amendment) Act, 1968 would cease to have effect on the 25th February, 1970, unless it is repealed or re-enacted with or without modification.

3. The Government of Bihar could not replace the Bihar Universities (Amendment) Act, 1968 by an Act of the State Legislature before it was suspended by the President under a Proclamation, dated the 14th July, 1969. The present legislation seeks to re-enact the aforesaid Act as a President's Act, without any modification.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) has been consulted before the enactment of this measure as a President's Act.

G. K. CHANDIRAMANI,

Addl. Secy. to the Govt. of India.

Ministry of Education and Youth Services.

THE BIHAR RE-ENACTING ACT, 1970

No. 4 OF 1970

Enacted by the President in the Twenty-first Year of the
Republic of India.

An Act to re-enact certain enactments.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969, the President is pleased to enact as follows :—

1. (1) This Act may be called the Bihar Re-enacting Act, 1970.

(2) It shall come into force at once.

2. The President's Acts mentioned in the Schedule are hereby re-enacted with the modifications specified therein.

Short title
and
commence-
ment.

Re-enact-
ment of
certain
President's
Acts.

THE SCHEDULE

(See section 2)

PRESIDENT'S ACTS

1. The Bihar Land Reforms (Validation) Act, 1969 (2 of 1969).

2. The Ranchi District Tana Bhagat Raiyats' Agricultural Lands Restoration (Amendment) Act, 1969 (3 of 1969).

Section 2.—For “the 31st day of March, 1970”, substitute “the 31st day of March, 1971”.

3. The Chota Nagpur Tenancy (Amendment) Act, 1969 (4 of 1969).

Section 2.—After “the Bihar and Orissa Co-operative Societies Act, 1935,” insert “or to the State Bank of India or a bank specified in column (2) of the First Schedule to the Banking Companies Acquisition and Transfer of Undertakings) Act, 1969,”.

Section 3.—After “the Bihar and Orissa Co-operative Societies Bihar and Orissa Act, 1935, or”, insert “by the State Bank of India or a bank specified A in column (2) of the First Schedule to the Banking Companies 19 (Acquisition and Transfer of Undertakings) Act, 1969, or by”.

4 The Bihar Tenancy (Amendment) Act, 1969 (7 of 1969).

Section 2.—After “the Bihar and Orissa Co-operative Societies Bihar and Orissa Act, 1935,”, insert “or with the State Bank of India or a bank specified Orissa Act VI of in column (2) of the First Schedule to the Banking Companies 1935. (Acquisition and Transfer of Undertakings) Act, 1969,”. 22.01.1969.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

Reasons for the enactment

By a Proclamation, dated the 29th June, 1968, issued by the President under article 356 of the Constitution of India, the powers of the Legislature of the State of Bihar were declared to be exercisable by or under the authority of Parliament. By the Bihar State Legislature (Delegation of Powers) Act, 1968 (39 of 1968), Parliament conferred on the President the power of the Legislature of the said State to make laws. By virtue of these powers, the President, *inter alia*, enacted the following Acts for the State of Bihar :—

1. The Bihar Land Reforms (Validation) Act, 1969 (2 of 1969).
2. The Ranchi District Tana Bhagat Raiyats' Agricultural Lands Restoration (Amendment) Act, 1969 (3 of 1969).
3. The Chota Nagpur Tenancy (Amendment) Act, 1969 (4 of 1969).
4. The Bihar Tenancy (Amendment) Act, 1969 (7 of 1969).

2. The said Proclamation was, after the mid-term elections, revoked by the President by a Proclamation, dated the 26th February, 1969, and therefore, the Proclamation ceased to be in force on that date. Under clause (2) of article 357 of the Constitution, the President's Acts mentioned in paragraph 1 will cease to have effect on the expiration of a period of one year after the Proclamation ceases to operate unless they are re-enacted.

3. The present enactment is intended to re-enact the said four Acts. Opportunity has also been taken to extend up to the 31st March, 1971, the period within which the proceedings for restoration may be initiated under the Ranchi District Tana Bhagat Raiyats' Agricultural Lands Restoration Act, 1947, and to enable an occupancy-raiyat or a tenant to

obtain agricultural credit against simple mortgage under the Chota Nagpur Tenancy Act, 1908, or the Bihar Tenancy Act, 1885, as the case may be, also from the State Bank of India or the banks specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) has been consulted before the enactment of this measure as a President's Act.

B. R. PATEL,

Secy. to the Govt. of India,

Ministry of Food, Agriculture,

Community Development and Co-operation.

